

United States.<sup>2</sup> It is based on the theory that the imposition of tax liens would obstruct the Government in the disposition of its property and would, therefore, contravene the provision of the Constitution which vests in Congress the power "to dispose of and make all needful rules and regulations respecting the territory or other property of the United States." This provision implies the exclusion of all other authority over the property which could interfere with the right or obstruct its exercise.<sup>3</sup> Property of the United States is exempt from State taxation without regard to the manner in which it may have been acquired or the purposes for which it may be used. Land acquired by the United States through foreclosure of its tax liens, though not devoted to an active governmental use, is not subject to taxation. In *Van Brocklin v. Tennessee* (117 U. S. 151), it was said, "to allow land lawfully held by the United States as security for the payment of taxes assessed by and due to them, to be assessed and sold for state taxes, would tend to create a conflict between officers of the two governments, to deprive the United States of a title lawfully acquired under express acts of Congress and to defeat the exercise of the constitutional power to lay and collect taxes, to pay the debts and provide for the common defense and general welfare." The rule is applicable, although the land, with the consent of the Government, may be devoted temporarily to private uses. In a case involving the foreclosure by a municipality of a tax lien on property of the United States which had been leased for private purposes, the Circuit Court of Appeals said, "The right to dispose of property by the United States which is no longer needed is an essential governmental function in the economic management of governmental affairs \* \* \* and while the government is seeking a purchaser, the leasing of such property \* \* \* cannot have the effect of subjecting the property to taxation. Since a state or any subdivision thereof has no right to tax property of the United States used by it in the performance of any of its constitutional functions, it follows, we think, that it cannot tax property of the United States acquired for a post office, which having been abandoned for that purpose, is held by the government pending a sale of the property."<sup>4</sup>

The laws of many States expressly exempt property of the United States from taxation.<sup>5</sup> However, as pointed out in the *Van Brocklin* case, supra, State laws cannot be the foundation of such exemption because the immunity of Federal property from

<sup>2</sup> *Van Brocklin v. Tennessee*, 117 U. S. 151; 29 L. ed. 845, 6 S. Ct. 670; *United States v. Rickert*, 188 U. S. 432, 47 L. ed. 432, 23 S. Ct. 478; *Wisconsin Railroad Co. v. Price County*, 133 U. S. 496, 33 L. ed. 687, 10 S. Ct. 341; *Forbes v. Gracey*, 94 U. S. 762, 24 L. ed. 313.

<sup>3</sup> *Wisconsin Railroad Co. v. Price County*, 133 U. S. 496, 504, 33 L. ed. 687, 10 S. Ct. 341; *United States v. Rickert*, 188 U. S. 432, 439, 47 L. ed. 532, 23 S. Ct. 478.

<sup>4</sup> *City of Springfield v. United States*, 99 Fed. (2) 860 (First Circuit).

<sup>5</sup> See Digest of State Cession Statutes, Appendix II.